

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, SEPTEMBER 6, 2005 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
-----

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432.

ITEM-1:                      ROLL CALL.

ITEM-10:                    INVOCATION.

ITEM-20:                    PLEDGE OF ALLEGIANCE.

**=== LEGISLATIVE SCHEDULE ===**

**Special Orders of Business**

ITEM-30:                    Approval of Council Minutes.

### **NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Tuesday, September 6, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting today.**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

### **COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

### **REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items

- ITEM-50: Amendments to the Agreements with URS Corporation and P&D Consultants for As-Needed Design Services for Retrofit Projects.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances which were introduced on 8/1/2005, Item 55.
- ITEM-51: Amending the San Diego Municipal Code to Prohibit Write-In Candidates in City Run-Off Elections.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/8/2005, Item 50.
- ITEM-52: Exempting One Program Manager Position from the Classified Service for the San Diego Fire-Rescue Department.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/8/2005, Item 200.
- ITEM-53: Rezoning 27.04 Acres Located East of Camino Del Sur and West of Calderon Road. (Torrey Highlands Community Plan Area. District 1.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/2/2005, Item 336, Subitem A.
- ITEM-100: Two actions related to Authorizing One-Year Extension of the Project Area Committees (PAC) and Noticing and Conducting PAC Elections for 2005 for the College Community and City Heights Project Area Committees. (City Heights and College Community Areas. Districts 3, 4, and 7.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.
- ITEM-101: Sidney Kimmel Day.  
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.
- ITEM-102: San Diego Surf Cup Days.  
COUNCILMEMBER PETERS' RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

ITEM-103: Excusing Deputy Mayor Atkins from the Government Efficiency and Openness Committee Meeting of August 8, 2005.  
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.

ITEM-104: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.

ITEM-105: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Committee Items

ITEM-150: Amending the San Diego Municipal Code Related to Revisions to the Building Regulations for Buildings in Fire Hazard Areas.  
LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:  
On 4/6/2005, LU&H voted 5 to 0 to approve.

Adoption Agenda, Discussion, Other Legislative Items

ITEM-200: Appointments of Richard Rider and Diann Shipione to the San Diego City Employees' Retirement System Board of Administration.  
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.

ITEM-201: Six actions related to Approval of Leases for the Convention and Performing Arts Center. (Center City Community Area. District 2.)  
CITY MANAGER'S RECOMMENDATION: Adopt the resolutions.

ITEM-202: Proposed Amendment to the Procedures for Formation of Project Area Committee (PAC) for the Centre City Redevelopment Project. (Centre City Redevelopment Project Area. Districts 2 and 8.)  
CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Discussion, Other Legislative Items (Continued)

ITEM-203: Removal of Peter Preovolos as a Member of the Retirement Board of the San Diego City Employees' Retirement System (SDCERS).  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.

ITEM-204: Appointments of Ezekiel E. Cortez and Thomas C. Hebrank to the San Diego City Employees' Retirement System Board of Administration.  
DEPUTY MAYOR ATKINS' RECOMMENDATION: Adopt the resolution.

Public Notices

ITEM-250: **Notice** of Settlement of Property Damage Claims of Luis Martinez, Salvador Lopez, and Kimberly Phan.

ITEM-251: **Notice** of Pending Final Map Approval – 1915 Emerald Street.

ITEM-252: **Notice** of Pending Final Map Approval – 4504 60<sup>th</sup> Street Condominiums.

ITEM-253: **Notice** of Pending Final Map Approval – 1636 Meade Avenue.

ITEM-254: **Notice** of Pending Final Map Approval – 3970 Utah Street Condominiums.

ITEM-255: **Notice** of Pending Final Map Approval – 836 W. Pennsylvania Avenue.

ITEM-256: **Notice** of Pending Final Map Approval – 4818 68<sup>th</sup> Street.

ITEM-257: **Notice** of Pending Final Map Approval – 2741 "A" Street Condominiums.

ITEM-258: **Notice** of Pending Final Map Approval – 3055 Ivy Street.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Public Notices (Continued)

ITEM-259: **Notice** of Pending Final Map Approval – La Boheme Condominiums.

ITEM-260: **Notice** of Pending Final Map Approval – 3764 Bayside Lane.

ITEM-261: **Notice** of Pending Final Map Approval – 4077 3<sup>rd</sup> Avenue Condominiums.

ITEM-262: **Notice** of Pending Final Map Approval – Boston Village.

ITEM-263: **Notice** of Pending Final Map Approval – Black Mountain Ranch West Clusters Unit No. 1.

ITEM-264: **Notice** of Pending Final Map Approval – 1633 Diamond Street Condominiums.

ITEM-265: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

SUBDIVISION

Torrey Pines Estates

Villa at Stallion Crossing

COMMUNITY AREA

Carmel Valley

North City Future Urbanizing Area

Noticed Hearings, Discussion

ITEM-330: Brush Management Revisions to the Land Development Code Resulting from the Cedar Fire. (Districts - Citywide.)

Matter of approving, conditionally approving, modifying or denying Brush Management Revisions to the Land Development Code. This project is of citywide significance.

CITY MANAGER’S RECOMMENDATION: Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B and C.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**



SPECIAL ORDERS OF BUSINESS

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

07/04/2005 - Adjourned  
07/05/2005 - Adjourned  
07/11/2005 - Adjourned  
07/12/2005 - Adjourned  
07/18/2005  
07/19/2005

### **NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

### **CLOSED SESSION NOTICES, DISCLOSURE, AND PUBLIC COMMENT**

In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meeting, adopted on February 28, 2005, this portion of the agenda is reserved for City Attorney comment, public comment, and City Council discussion of the content of the **Closed Session Agenda for Tuesday, September 6, 2005, scheduled to commence immediately following the conclusion of the regular open session meeting today.**

The Closed Session Agenda is separately available in the Office of the City Clerk and also posted at the same locations as the Open Session Agenda, including the City internet address.

**NOTE:** Members of the public wishing to address the City Council on any item on the Closed Session Agenda should reference the closed session item number from the Closed Session Docket on the speaker slip. Speakers may speak "in favor" or "in opposition" to the subject.

#### **Information Item - No Action Required - The City Council shall:**

1) Consider any oral report from the City Attorney or City negotiators; 2) Accept testimony from any member of the public wishing to address the City Council on any item appearing on the Closed Session Agenda; 3) Questions and discussion by Council Members, limited to the facts as disclosed by the City Attorney or City negotiators and the basis or justification for consideration of the matter in closed session 4) Refer matters discussed to closed session.

**COUNCIL, CITY ATTORNEY, CITY MANAGER COMMENT**

**REQUESTS FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 2:00 p.m.

**ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, 52, and 53.

**RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, and 105.

ADOPTION AGENDA, CONSENT ITEMS

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:

- \* ITEM-50: Amendments to the Agreements with URS Corporation and P&D Consultants for As-Needed Design Services for Retrofit Projects.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 8/1/2005, Item 55. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant):

Subitem-A: (O-2005-146)

Authorizing the City Manager to execute, for and on behalf of the City, a First Amendment to the Agreement between City of San Diego and URS Corporation (formerly HYA Consulting Engineers, a Dames and Moore Company) (Agreement) for as-needed Consultant Services, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$7,200 from Water Fund 41500, CIP-70-941.0, Annual Allocation Reclaimed Water Retrofit, for the purpose of providing additional funding for design services with URS Corporation for Miramar Wholesale Nursery Retrofit Project due to construction change to complete this project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

Subitem-B: (O-2005-147)

Authorizing the City Manager to execute, for and on behalf of the City, a Fourth Amendment to the Agreement between City of San Diego and P&D Consultants, Inc. for as-needed Professional Services, under the terms and conditions set forth in the Agreement;

Authorizing the expenditure of an amount not to exceed \$5,300 from Water Fund 41500, CIP-70-941.0, Annual Allocation Reclaimed Water Retrofit, for the purpose of providing additional funding for design services with P&D Consultants, Inc. for Scripps Poway Parkway MRN MAD Retrofit Project due to construction change to complete this project;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-51: Amending the San Diego Municipal Code to Prohibit Write-In Candidates in City Run-Off Elections.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/8/2005, Item 50. (Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant.):

(O-2006-9)

Amending Chapter 2, Article 7, Division 3 of the San Diego Municipal Code by amending Sections 27.0301, 27.0305, 27.0308, 27.0315, and 27.0323, and amending Chapter 2, Article 7, Division 6 of the San Diego Municipal Code by amending Section 27.0636, all relating to the City of San Diego Elections Code.

- \* ITEM-52: Exempting One Program Manager Position from the Classified Service for the San Diego Fire-Rescue Department.

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/8/2005, Item 200. (Council voted 5-0. Councilmember Peters not present. District 2-vacant, District 8-vacant, and Mayor-vacant):

(O-2006-18)

Exempting a Program Manager position from the classified service for the San Diego Fire-Rescue Department.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-53: Rezoning 27.04 Acres Located East of Camino Del Sur and West of Calderon Road.

(Torrey Highlands Community Plan Area. District 1.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/2/2005, Item 336, Subitem A.  
(Council voted 6-0. District 2-vacant, District 8-vacant, and Mayor-vacant.):

(O-2005-139)

Changing 27.04 acres, from the A1-10 Zone to the RS-1-14 Zone and 1.22 acres from the A1-10 Zone to the RM-1-3 Zone (previously) referred to as the R1-5000 and R-2000 Zones) located east of Camino Del Sur and west of Calderon Road, in the Torrey Highlands (Subarea IV) Plan Area, in the Torrey Highlands Community Plan Area, in the City of San Diego, California, as defined by San Diego Municipal Code Section 131.0403 and 131.0406, repealing Ordinance No. O-12657 (New Series), adopted May 22, 1979, of the Ordinances of the City of San Diego insofar as the same conflicts herewith.

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

- \* ITEM-100: Two actions related to Authorizing One-Year Extension of the Project Area Committees (PAC) and Noticing and Conducting PAC Elections for 2005 for the College Community and City Heights Project Area Committees.

(City Heights and College Community Areas. Districts 3, 4, and 7.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2006-118)

Authorizing a one-year extension of the College Community Project Area Committee (PAC) and directing Agency staff to notice and conduct the annual PAC Election in 2005.

Subitem-B: (R-2006-119)

Authorizing a one-year extension of the City Heights Project Area Committee (PAC) and directing Agency staff to notice and conduct the annual PAC Election in 2005.

**CITY MANAGER SUPPORTING INFORMATION:**

California Community Redevelopment Law, California Health and Safety Code Section 33385, requires the legislative body of a city to call upon residents and existing community organizations in a redevelopment project area to form a Project Area Committee ("PAC") if there is a substantial number of low or moderate-income residents within the project area, and the redevelopment plan contains authority for the agency to acquire property by eminent domain on which anyone resides; or the redevelopment plan contains one or more public projects that will displace a substantial number of low/moderate-income residents. Each PAC serves as an advisory body to the Redevelopment Agency on policy matters affecting the residents of the project area. The Agency is required to consult with the PAC for at least three years after the redevelopment plan is adopted, subject to one year extensions by the legislative body.

Each PAC is elected and conducts its business in accordance with its specific PAC Formation Procedures ("Procedures") that were adopted individually by the City Council. The Procedures address the purpose and authority of the PAC, define the PAC's composition and membership, establish eligibility requirements for the term of membership and set procedures for conducting elections.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-100: (Continued)

**CITY MANAGER SUPPORTING INFORMATION:** (Continued)

In accordance with the College Community and City Heights PAC Procedures, Agency staff must seek authorization from the City Council to: 1) extend the Redevelopment Project Area Committees (PAC) for one year; and 2) notice and conduct PAC elections.

**FISCAL IMPACT:**

None with this action.

Oppenheim/Fischle-Faulk/KG

Staff: Kim Gerhard – (619) 533-5369  
Rachel H. Witt – Chief Deputy City Attorney



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: Sidney Kimmel Day.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-139)

Proclaiming the day of August 19, 2005, to be "Sidney Kimmel Day" in the City of San Diego in recognition of the positive impact Sidney Kimmel brings to the City of San Diego.

\* ITEM-102: San Diego Surf Cup Days.

**COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-148)

Proclaiming July 30–August 1, 2005, August 6–8, 2005, and November 25–27, 2005, as "San Diego Surf Cup Days" in the City of San Diego.

\* ITEM-103: Excusing Deputy Mayor Atkins from the Government Efficiency and Openness Committee Meeting of August 8, 2005.

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-142)

Excusing Deputy Mayor Atkins from attending the regularly scheduled Government Efficiency and Openness Committee meeting of August 8, 2005.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-104: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-15)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM-105: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2005-1244)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

**ADOPTION AGENDA, DISCUSSION, COMMITTEE ITEMS**

**COMMITTEE ON LAND USE AND HOUSING,  
ORDINANCES TO BE INTRODUCED:**

ITEM-150: Amending the San Diego Municipal Code Related to Revisions to the Building Regulations for Buildings in Fire Hazard Areas.

(See City Manager Reports CMR-05-176 and CMR-05-078.)

**TODAY'S ACTION IS:**

Introduce the following ordinance:

(O-2005-117)

Introduction of an Ordinance amending Chapter 14, Article 5 of the San Diego Municipal Code by adding a new Division 5, and by adding Sections 145.0501, 145.0502, 145.0503, 145.0504, and 145.0505, all relating to Additional Building Standards for Buildings Located Adjacent to Hazardous Areas of Native or Naturalized Vegetation.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 4/6/2005, LU&H voted 5 to 0 to approve. (Councilmembers Peters, Atkins, Young, Frye, and Inzunza voted yea.)

Staff: Ali Fattah – (619) 446-5092  
John C. Hemmerling – Deputy City Attorney

**NOTE:** See also related Item 330.

**ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS**

**RESOLUTIONS:**

ITEM-200: Appointments of Richard Rider and Diann Shipione to the San Diego City Employees' Retirement System Board of Administration.

(See memorandum from Deputy Mayor Atkins dated 8/4/2005, with resume attached.)

(Continued from the meeting of August 9, 2005, Item S502, at the request of Councilmember Frye, for further review.)

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-128)

Council confirmation of the following two appointments by the Deputy Mayor of the City of San Diego to serve as members of the San Diego City Employees' Retirement System Board of Administration;

**NAME**

**TERM ENDING**

Richard Rider  
(Scripps Ranch, District 5)  
(Replacing Susan H. Snow, who resigned)

March 31, 2007

Diann Shipione  
(La Jolla, District 1)  
(Replacing Robert H. Wallace, who resigned)

March 31, 2009

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: Six actions related to Approval of Leases for the Convention and Performing Arts Center.

(See City Manager Report CMR-05-153. Center City Community Area. District 2.)

(Continued from the meetings of July 18, 2005, Item 202, July 25, 2005, Item S404, and August 8, 2005, Item 202, last continued at the request of City Attorney Aguirre, for further review.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolutions:

Subitem-A: (R-2005-1366)

Authorizing the City Manager to execute, for and on behalf of the City of San Diego, a lease agreement between the City and Neighborhood Involvement Association, for the use of Golden Hall, meeting and conference rooms, and other specified portions of the San Diego Community Concourse for a period of five years with the option for five one-year extensions for the management, marketing, and operation of the Lease Premises at the Concourse as a public assembly venue for entertainment, sporting events, educational, community, convention performing arts, corporate, and civic activities at the base rental rate of \$130,000 per year (with the base rent for the first five years (\$650,000) paid in advance) plus percentage rent of five percent of gross income paid on a monthly basis, and on such other terms and conditions as are set forth in the proposed Lease Agreement.

Subitem-B: (R-2005-1367 Cor. Copy)

Authorizing the City Manager to rename the Municipal Parking Garage Operations Fund (Fund 10322) as the "Concourse and Parking Garages Operating Fund," and to reprogram the Fund for operation of the Concourse, the Evan P. Jones Parkade, and the parking garage for the World Trade Center building;

Authorizing the City Manager to redirect and deposit rent revenues from the CAB Deli and Downtown Johnny Brown's leases, currently deposited into Revenue Account No. 75602, to Fund 10322;

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: (Continued)

Subitem-B: (Continued)

Authorizing the City Manager to establish a reserve for Fund 10322 in an amount up to \$550,000 for Fiscal Year 2006, and to determine the appropriate reserve amount for future fiscal years.

Subitem-C: (R-2005-1368)

Authorizing the City Manager to expend an amount not to exceed \$500,000 from Fund 10322 for tenant improvements to Plaza Hall required to relocate the City's General Services Department, Print Shop operations to Plaza Hall, contingent upon the City Auditor and Comptroller certifying the availability of funds;

Declaring the City Manager shall direct repayment of this amount by the General Services Department, Print Shop to Fund 10322 in payments amortized over seven years.

Subitem-D: (R-2005-1369 Cor. Copy)

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and San Diego Civic Opera for use of the Copper Room located within the San Diego Community Concourse for a period of one year with the option for four one-year extensions and upon such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13 2005.

Subitem-E: (R-2005-1371 Cor. Copy)

Authorizing the City Manager to execute, for and on behalf of the City, a lease agreement between the City and Vince and Claudia Paradise doing business as Paradise Cafe III, for the operation of a deli for a term of three years with the option of two one-year extensions at the rental rate of the greater of \$870 per month or 7% of gross revenue, and on such other terms and conditions as are substantially set forth in the form of lease agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-201: (Continued)

Subitem-F: (R-2005-1370 Cor. Copy)

Authorizing the City Manager to execute, for and on behalf of the City, a concession agreement between the City and Vince and Claudia Paradise doing business as Paradise Cafe II for the coffee cart concession in the outdoor plaza areas at the Civic Center Complex for a term of one year with the option of four one-year extensions at the rental rate of the greater of \$1,500 per month or 15 % of gross revenue, and on such other terms and conditions as are substantially set forth in the form of agreement attached to City Manager Report No. 05-153, dated July 13, 2005.

Staff: Chris Hargett – (619) 236-6766  
Carrie L. Gleason – Chief Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-202: Proposed Amendment to the Procedures for Formation of Project Area Committee (PAC) for the Centre City Redevelopment Project.

(See Centre City Development Corporation Report CCDC-05-14. Centre City Redevelopment Project Area. Districts 2 and 8.)

**CENTRE CITY DEVELOPMENT CORPORATION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-155)

Approving the amendment to Section 700 of the Project Area Committee (PAC) Procedures to allow for a Voter Registration Roll for the Centre City Redevelopment Project.



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-203: Removal of Peter Preovolos as a Member of the Retirement Board of the San Diego City Employees' Retirement System (SDCERS).

(See Memorandum of Law dated 8/5/2005 from City Attorney Aguirre.)

(Continued from the meeting of August 9, 2005, Item S500, at the request of Councilmember Frye, to allow for further review of Mr. Preovolos' performance of his fiduciary duties.)

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2006-124)

Removing Peter Preovolos from the appointment as a member of the San Diego City Employees' Retirement System (SDCERS) Retirement Board.

**SUPPORTING INFORMATION:**

Each member of the Board of San Diego City Employees' Retirement System (SDCERS) is required to perform their responsibilities as fiduciaries. Central to the performance of these duties is the obligations to ensure accurate financial statements are issued and audited on an annual basis. Peter Preovolos, as the Chair of the Retirement Board, has failed to meet the fiduciary duty to ensure that accurate and complete financial statements are issued and audited on an annual basis in that Mr. Preovolos has specifically refused to order or permit an AU Section 317 illegal acts investigation for the 2003 and 2004 SDCERS financial statements. Mr. Preovolos has been informed through public reports by the City Attorney, letters from the City's outside auditor KPMG, other public reports, and by the existence of U.S. Attorney investigations and District Attorney prosecutions, of the existence of possible illegal acts by prior SDCERS Board Members, and despite this knowledge and requests by the City Council, City Attorney, the City's Audit Committee, retirees, and union leaders, Mr. Preovolos has refused to order or permit an illegal acts investigation. This failure has put the pension system into further financial crisis, has not attempted to minimize contributions by the City as required by Article xvi, Section 17 of the California Constitution, and threatens the financial welfare and future ability of the City to make contributions to SDCERS. Accordingly, it is appropriate and proper to remove Mr. Preovolos from the appointment as a member of the SDCERS Retirement Board.

Aguirre

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-204: Appointments of Ezekiel E. Cortez and Thomas C. Hebrank to the San Diego City Employees' Retirement System Board of Administration.

(See memorandum from Deputy Mayor Atkins dated 8/4/2005, with resumes attached.)

(Continued from the meeting of August 9, 2005, Item S501, at the request of Councilmember Frye, for further review.)

**DEPUTY MAYOR ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2006-125)

Council confirmation of the following two appointments by the Deputy Mayor of the City of San Diego to serve as members of the San Diego City Employees' Retirement System Board of Administration;

**NAME**

**TERM ENDING**

Ezekiel E. Cortez  
(Rancho Peñasquitos, District 1)  
(Replacing Thomas E. King, who resigned)

March 31, 2009

Thomas C. Hebrank  
(Kensington, District 3)  
(Replacing Thomas A. Page, who resigned)

March 31, 2009

**PUBLIC NOTICES:**

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-250: **Notice** of Settlement of Property Damage Claims of Luis Martinez, Salvador Lopez, and Kimberly Phan.

(R-2006-121)

Adopted as Resolution R-300777 on August 9, 2005.

A Resolution approved by the City Council in Closed Session on Tuesday, August 9, 2005, by the following vote: Peters-yea; District 2-vacant; Atkins-yea; Young-yea; Maienschein-yea; Frye-yea; Madaffer-yea; District 8-vacant; Mayor-vacant.

Authorizing the City Manager to pay the sum not exceeding \$300,000 in the settlement of each and every claim against the City of San Diego, its agents and employees, resulting from the property damage claims of Luis Martinez, Salvador Lopez, and Kimberly Phan;

Authorizing the City Auditor and Comptroller to issue checks not to exceed a total of \$300,000 made payable to the claimants named herein.

**NOTE:** This item is placed on a Council docket, so that the official and public record will reflect the adoption of this Resolution. It does not require any further Council action.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-251: **Notice** of Pending Final Map Approval – 1915 Emerald Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1915 Emerald Street” (T.M. No. 27246/PTS No. 56155 ), located southeasterly of Lamont Street and Emerald Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-252: **Notice** of Pending Final Map Approval – 4504 60<sup>th</sup> Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4504 60<sup>th</sup> Street Condominiums” (T.M. No. 173674/PTS No. 72002), located northwesterly of Estelle Street and 60<sup>th</sup> Street in the Mid-City: Eastern Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-253: **Notice** of Pending Final Map Approval – 1636 Meade Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1636 Meade Avenue” (T.M. No. 70401/PTS No. 64915), located northwesterly of Meade Avenue and North Avenue in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-254: **Notice** of Pending Final Map Approval – 3970 Utah Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3970 Utah Street Condominiums” (T.M. No. 135876/PTS No. 71907), located northwesterly of University Avenue and Utah Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-255: **Notice** of Pending Final Map Approval – 836 W. Pennsylvania Avenue.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “836 W. Pennsylvania Avenue” (T.M. No. 120499/PTS No. 52064), located northeasterly of Pennsylvania Avenue and Goldfinch Street in the Uptown Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-256: **Notice** of Pending Final Map Approval – 4818 68<sup>th</sup> Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4818 68<sup>th</sup> Street” (T.M. No. 19403/PTS No. 47001), located southwesterly of 68<sup>th</sup> Street and Amherst Street in the Mid-City: Eastern Area Community Plan Area in Council District 7, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-257: **Notice** of Pending Final Map Approval – 2741 “A” Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “2741 “A” Street Condominiums” (T.M. No. 92379/PTS No. 66979), located southeasterly of “A” Street and 27<sup>th</sup> Street in the Southeastern San Diego, Southeastern Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-258: **Notice** of Pending Final Map Approval – 3055 Ivy Street.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3055 Ivy Street” (T.M. No. 90450/PTS No. 424276), located southeasterly of Ivy Street and Fern Street in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-259: **Notice** of Pending Final Map Approval – La Boheme Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “La Boheme Condominiums” (T.M. Waiver No. 10175/PTS No. 52938), located northeasterly of 30<sup>th</sup> Street and University Avenue in the Greater North Park Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-260: **Notice** of Pending Final Map Approval – 3764 Bayside Lane.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “3764 Bayside Lane” (T.M. No. 50891/PTS No. 72725), located southwesterly of Bayside Lane and Redondo Court in the Mission Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-261: **Notice** of Pending Final Map Approval – 4077 3<sup>rd</sup> Avenue Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “4077 3<sup>rd</sup> Avenue Condominiums” (T.M. No. 163138/PTS No. 75072), located southeasterly of Third Avenue and Lewis Street in the Uptown Community Plan Area in Council District 3, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-262: **Notice** of Pending Final Map Approval – Boston Village.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Boston Village” (T.M. No. 17737/PTS No. 60111), located southeasterly of Boston Avenue and 43<sup>rd</sup> Street in the Southeastern San Diego, Southeastern Community Plan Area in Council District 8, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-263: **Notice** of Pending Final Map Approval – Black Mountain Ranch West Clusters Unit No. 1.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “Black Mountain Ranch West Clusters Unit No. 1” (T.M. No. 40-0529/PTS No. 33422), located southwesterly of San Dieguito Road and Camino Del Sur in the Rancho Bernardo Community Plan Area in Council District 1, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.



PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-264: **Notice** of Pending Final Map Approval – 1633 Diamond Street Condominiums.

Notice is hereby given that the City Engineer has reviewed and will approve on this day the subdivision of land shown on that certain final map entitled “1633 Diamond Street Condominiums” (T.M. No. 11142/PTS No. 60195), located southeasterly of Ingraham Street and Diamond Street in the Pacific Beach Community Plan Area in Council District 2, a copy of which is available for public viewing at the Office of the San Diego City Clerk. Specifically, the City Engineer has caused the map to be examined and has made the following findings:

- (1) The map substantially conforms to the approved tentative map, and any approved alterations thereof and any conditions of approval imposed with said tentative map.
- (2) The map complies with the provisions of the Subdivision Map Act and any local ordinances applicable at the time of approval of the tentative map.
- (3) The map is technically correct.

Said map will be finalized and recorded unless a valid appeal is filed. Interested parties will have 10 calendar days from the date of this Council hearing to appeal the above findings of the City Engineer to the City Council. A valid appeal must be filed with the City Clerk no later than 2:00 p.m., 10 calendar days from the date of this Notice stating briefly which of the above findings made by the City Engineer was improper or incorrect and the basis for that conclusion. If you have questions about the approval findings or need additional information about the map or your appeal rights, please feel free to contact Deputy City Engineer Lee Hennes at (619) 446-5291.

PUBLIC NOTICES: (Continued)

Items are listed under Public Notice as a matter of public record only. These items do not require Council action and there is no public testimony.

ITEM-265: **Notice** of Completion and Acceptance of Subdivision Improvement Agreement.

Notice is hereby given that the City Manager of the City of San Diego intends to file a "Notice of Completion and Acceptance of Subdivision Improvement Agreement" indicating that the improvements included in the Subdivision Improvement Agreement have been satisfactorily completed for the following subdivisions:

SUBDIVISION

COMMUNITY AREA

Torrey Pines Estates  
Villa at Stallion Crossing

Carmel Valley  
North City Future Urbanizing Area

The certification shall be recorded 15 days after the date this notice appears on the Council Docket or shortly thereafter. If any person wishes to object to the filing of this notice, such person should communicate the objection on or before that date to the Director of Development Services or to the Subdivision Engineer, City Operations Building, 1222 First Avenue (MS 507), San Diego, CA 92101.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

ITEM-330: Brush Management Revisions to the Land Development Code Resulting from the Cedar Fire.

Matter of approving, conditionally approving, modifying or denying Brush Management Revisions to the Land Development Code. This project is of citywide significance.

(See City Manager Report CMR-05-174. LDC Revisions/Project No. 31245. Districts - Citywide.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in Subitem A; and adopt the resolutions in Subitems B and C:

Subitem-A: (O-2005-46)

Introduction of an Ordinance of the Council of the City of San Diego amending Chapter 4, Article 4, Division 3, of the San Diego Municipal Code by amending Section 44.0307, by renumbering Section 44.0307.1 to Section 44.0307(c), all pertaining to health and sanitation; Amending Chapter 5, Article 5, Division 1 by amending Section 55.0101; Amending Chapter 5, Article 5, by repealing Division 92, relating to appendices to the fire code; Amending Chapter 14, Article 2, Division 3, by amending Section 142.0360, pertaining to fence regulations; Amending Chapter 14, Article 2, Division 4, by amending Sections 142.0402; 142.0403 and 142.0412; And amending Chapter 14, Article 3, Division 1, by amending Section 143.0310, all relating to brush management regulations.

Subitem-B: (R-2006-166)

Adoption of a Resolution authorizing the City Manager or his representative to take the necessary actions to increase the conservation target of land under the City's MSCP Subarea Plan by 715 acres.

Subitem-C: (R-2006-151)

Adoption of a Resolution certifying that the final Subsequent Environmental Impact Report/Environmental Assessment and Addendum, Project No. 31245, on file in the Office of the City Clerk, has been completed in compliance with the California Environmental Quality Act of 1970 (California Public Resources Code section 21000 et seq.), as amended, and the State guidelines thereto (California Code of Regulations section 15000 et seq.), and the National Environmental Policy Act (NEPA), that the report reflects the independent judgment of the City of San Diego as Lead Agency and that the information contained in said report, together with any comments received during the public review process, has been

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

reviewed and considered by this Council in connection with the approval of the  
above project;

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

Subitem-C: (Continued)

That pursuant to California Public Resources Code section 21081 and California Code of Regulations section 15091, the City Council adopts the findings made with respect to the project, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference;

That pursuant to California Code of Regulations section 15093, the City Council adopts the Statement of Overriding Considerations, a copy of which is on file in the Office of the City Clerk and incorporated herein by reference, with respect to the project;

That the City Clerk is directed to file a Notice of Determination (NOD) with the Clerk of the Board of Supervisors for the County of San Diego regarding the above project.

**CITY MANAGER SUPPORTING INFORMATION:**

On January 27, 2004, the City Council adopted a resolution (R-298827) directing the City Manager to take the necessary actions to amend the brush management regulations in the San Diego Municipal Code to require a 100 foot defensible space between structures and native wildlands, to consider the fiscal cost of ongoing brush management on public lands, and develop a public outreach and training program.

The following report outlines the City Manager's proposed changes to existing San Diego Municipal Code §142.0412 to provide for greater defensible space by modifications to brush management regulations as developed by the City Manager, Fire-Rescue, Development Services, Planning Department, and the Park and Recreation.

The report also describes changes to San Diego Municipal Code §44.0307 and §142.0360 to allow the use of goats in the City of San Diego for brush management, and changes to San Diego Municipal Code §55.0101 and 55.9201 so that the brush management regulations are only in Chapter 14 of the San Diego Municipal Code.

The proposed changes, combined with the revisions to the Building Code to require fire resistant roofing (Class "A" roofing) effective March 1, 2004, are designed to help provide fire and rescue service time to control and extinguish potential fires. Additional changes to the Building Code to create more fire resistant structures are proposed to be brought to City Council simultaneously with these brush management revisions.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

## NOTICED HEARINGS: (Continued)

ITEM-330: (Continued)

**FISCAL IMPACT:**

Brush management regulation changes will increase the Zone 2 thinning requirements to 65 feet or more. This could ultimately increase Park and Recreation's annual brush management budget shortfall to more than \$4 million in order to perform brush management for approximately 600 acres of urban/open space interface per year. In addition, nine additional staff members would ultimately need to be added to the Fire-Rescue Department's Fire Prevention Bureau to reinstate the Brush Management Program to the level established following the 1985 Normal Heights fire, resulting in an annual reoccurring cost of \$697,000. However, full scale implementation is not being proposed at this time, but could instead be phased in over the next several fiscal years if funding becomes available. Some one-time funding of up to \$2.16M for additional Park and Recreation brush management staff and crews may become available if the most recent FEMA grant request is approved. Although the Park and Recreation Department has identified brush management needs, at this time the City Manager is not recommending additional staff from the General Fund to address brush management requirements.

Irvine/Bowman

**LEGAL DESCRIPTION:**

The project is located within the City of San Diego, public and private lands and includes the City of San Diego Multi-Habitat Planning Area (MHPA).

Staff: Samuel L. Oates – (619) 533-4407.

**NOTE:** See also related Item 150.

NON-DOCKET ITEMSADJOURNMENT IN HONOR OF APPROPRIATE PARTIESADJOURNMENT